



APPLICATION ACCEPTED: June 25, 2012
PLANNING COMMISSION: November 8, 2012

County of Fairfax, Virginia

October 25, 2012

STAFF REPORT

APPLICATION FDPA 89-P-042

PROVIDENCE DISTRICT

APPLICANT: Richard and Teresa Gendron

PRESENT ZONING: PDH-3

PARCEL: 39-2 ((48)) 11

ACREAGE: 8,751 square feet

PLAN MAP: Residential; 2-3 dwelling units per acre (du/ac)

PROPOSAL: Amend FDP 89-P-042 previously approved for residential development, to permit an addition to an existing dwelling 10.1 feet from the front lot line.

STAFF RECOMMENDATIONS:

Staff recommends approval of FDPA 89-P-042, subject to the draft development conditions contained in Appendix 1.

It should be noted that it is not the intent of the staff to recommend that the Planning Commission, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Planning Commission.

St. Clair Williams

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

O:\SWILL\FDPA\FDPA 89-P-042 Gendron Property\Staff Report\Cover.doc



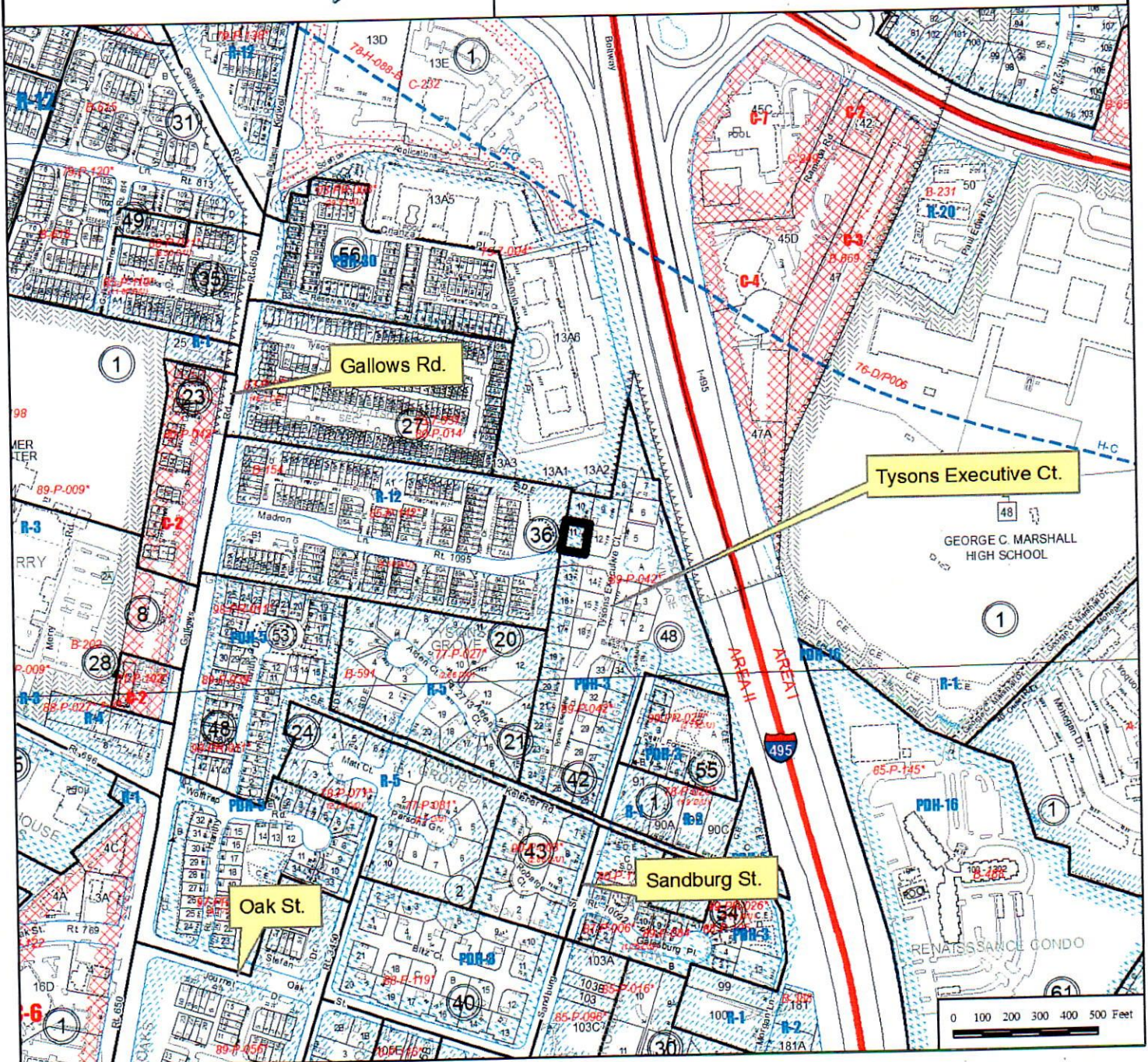
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Final Development Plan Amendment

FDPA 89-P-042

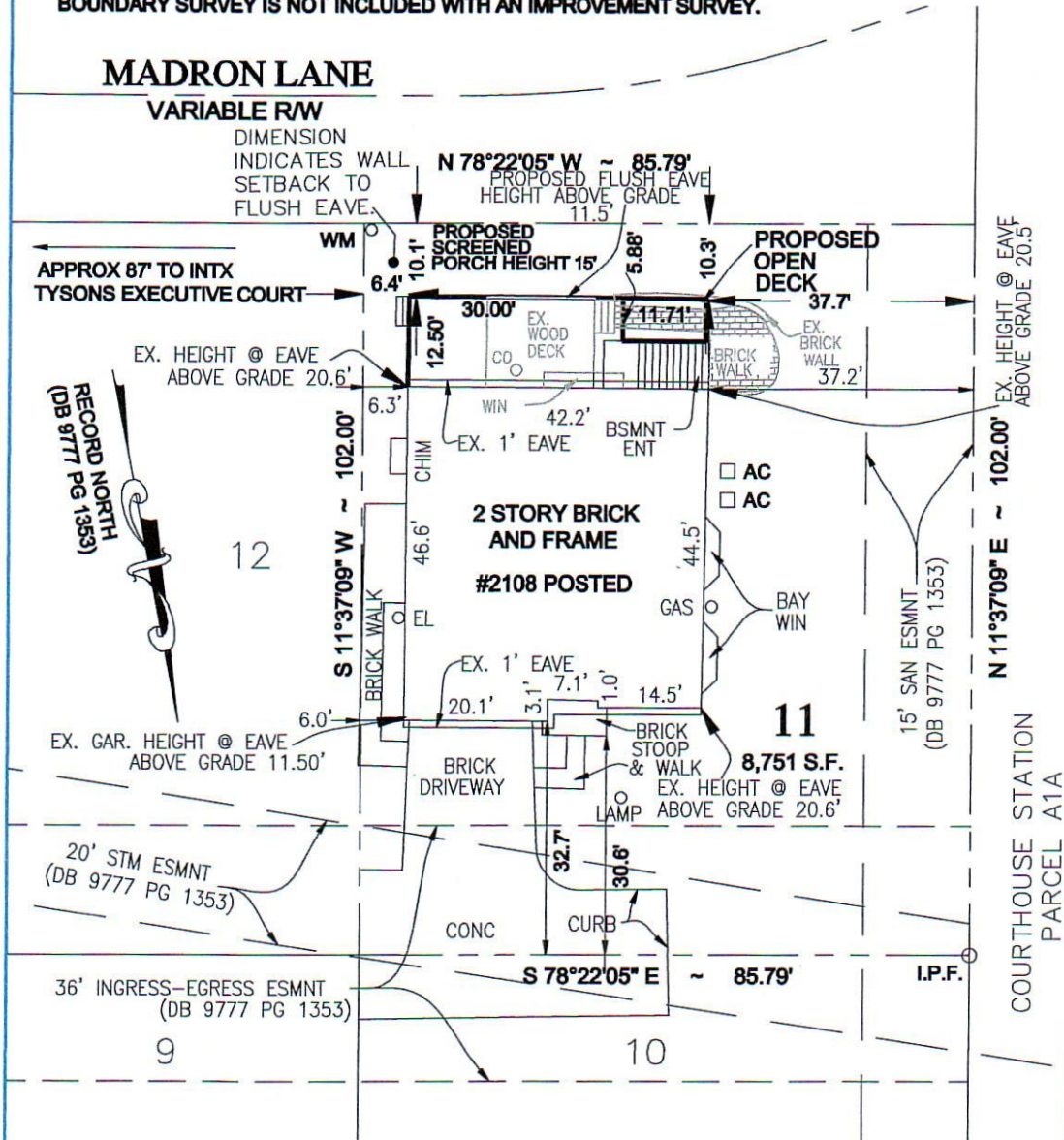


Applicant: RICHARD AND TERESA GENDRON
 Accepted: 06/05/2012
 Proposed: AMEND FDP 89-P-042 TO PERMIT ADDITION
 10.1 FEET FROM FRONT LOT LINE
 Area: 8,751 SF OF LAND; DISTRICT - PROVIDENCE
 Located: 2108 TYSONS EXECUTIVE COURT, DUNN
 LORING, VA 22027
 Zoning: PDH- 3
 Map Ref Num: 039-2- /48/ /0011



NOTES:

- 1) NO TITLE REPORT FURNISHED.
- 2) THE IMPROVEMENTS DELINEATED HEREON FALL ENTIRELY WITHIN ZONE "X" ON FEMA-FIA FLOOD INSURANCE RATE MAP #51059C-0185E DATE: SEPTEMBER 17, 2010.
- 3) THE IMPROVEMENTS SHOWN HEREON HAVE BEEN CAREFULLY ESTABLISHED BY MODERN SURVEY METHODS AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.
- 4) FENCES SHOWN, IF ANY, ARE FOR INFORMATION ONLY AND DOES NOT REFLECT OWNERSHIP.
- 5) THIS PROPERTY IS SHOWN ON TAX MAP NO. 0392 48 0011.
- 6) THIS IS NOT A BOUNDARY SURVEY. CORNER MONUMENTATION THAT MEETS THE STANDARDS FOR A BOUNDARY SURVEY IS NOT INCLUDED WITH AN IMPROVEMENT SURVEY.



PROPOSED SCREENED PORCH & OPEN DECK ADDITION

LOT 11

TYSONS EXECUTIVE VILLAGE

DB 9777 PG 1353

FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 20'

DATE: OCTOBER 25, 2011

**DICKERSON SURVEY AND
ARBORIST SERVICES**

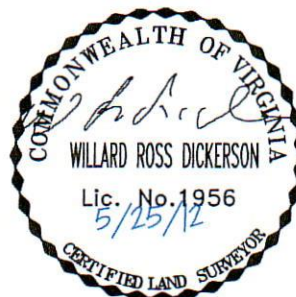
LAND SURVEYING • CERTIFIED ARBORISTS



401 SOUTH JEFFERSON ST • ARLINGTON VA 22204 • [PH] 571-221-5204 • [FAX] 703-995-0735

#TV2011-0001

DRAWN BY : DRB / CHK: WRD



DESCRIPTION OF THE APPLICATION

Applicant: Richard and Teresa Gendron

Location: 2108 Tysons Executive Court

Request:

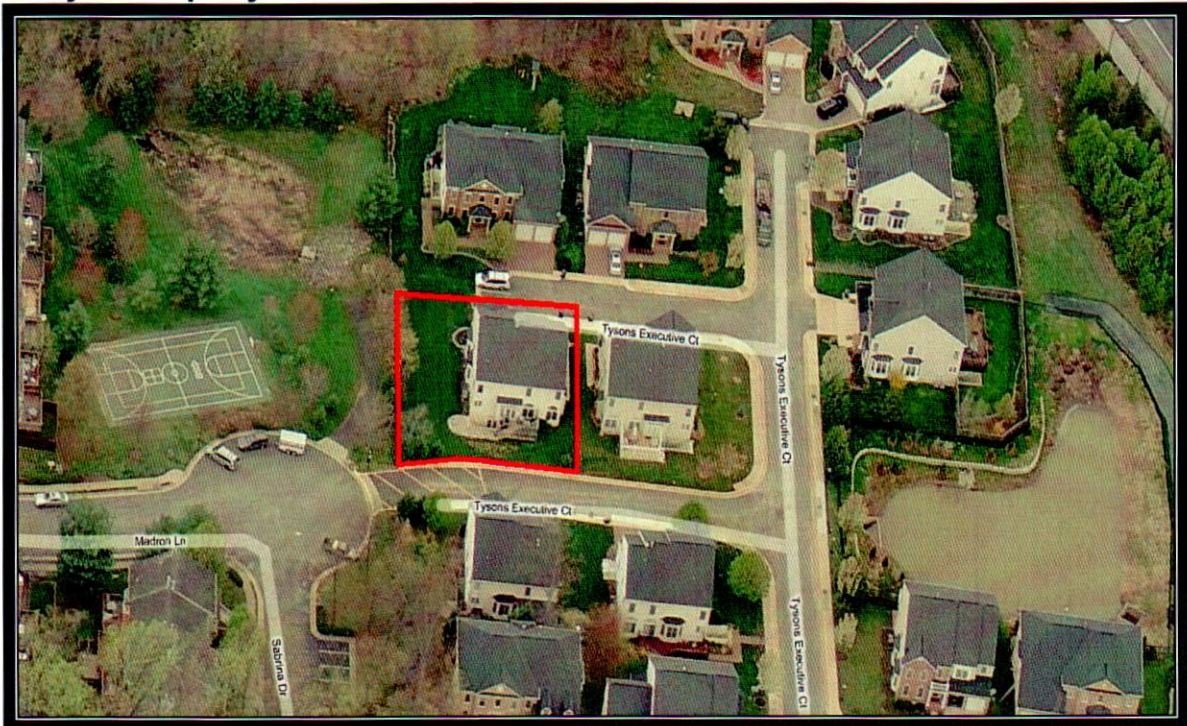
This application is a request to amend FDP 89-P-042, previously approved for residential development, to permit an addition consisting of one porch (a portion of the porch screened and a portion of the porch open), 10.1 feet from the lot line. The applicants request no other change. No waivers or modifications of the Zoning Ordinance are requested.

The applicant's Statement of Justification can be found in Appendix 3.

LOCATION AND CHARACTER

The subject property is located on Tysons Executive Court, a private street within the Tysons Executive Village Subdivision and is zoned PDH-3. The property is bounded by properties zoned PDH-3 to the north, east and south, and R-12 to the west. This 8,751 square foot (SF) site contains a two-story, single family detached dwelling.

Subject Property



Tyson's Executive Village Subdivision

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Residential; single-family detached	PDH-3	Mixed Use
South	Residential; single-family detached	PDH-3	Office
East	Residential; single-family detached	PDH-3	Mixed Use
West	Residential; single-family attached	R-12	Mixed Use

ZONING MAP**BACKGROUND**

On January 28, 1991, the Board of Supervisors approved RZ 89-P-042 to rezone 11.45 acres from the R-1 District to PDH-3 to permit the construction of 26 SFA units and eight SFD units. The Planning Commission approved FDP 89-P-042 on November 15, 1990, subject to the Board of Supervisors approval of RZ 89-P-042 (Appendix 4).

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area II
Planning District:	Vienna Planning District
Planning Sector:	Cedar Community Planning Sector
Plan Map:	Residential; 2-3 du/ac

Relevant Plan text can be found in Appendix 5; there is no site-specific text for the subject property.

ANALYSIS

Final Development Plan (Copy at front of staff report)

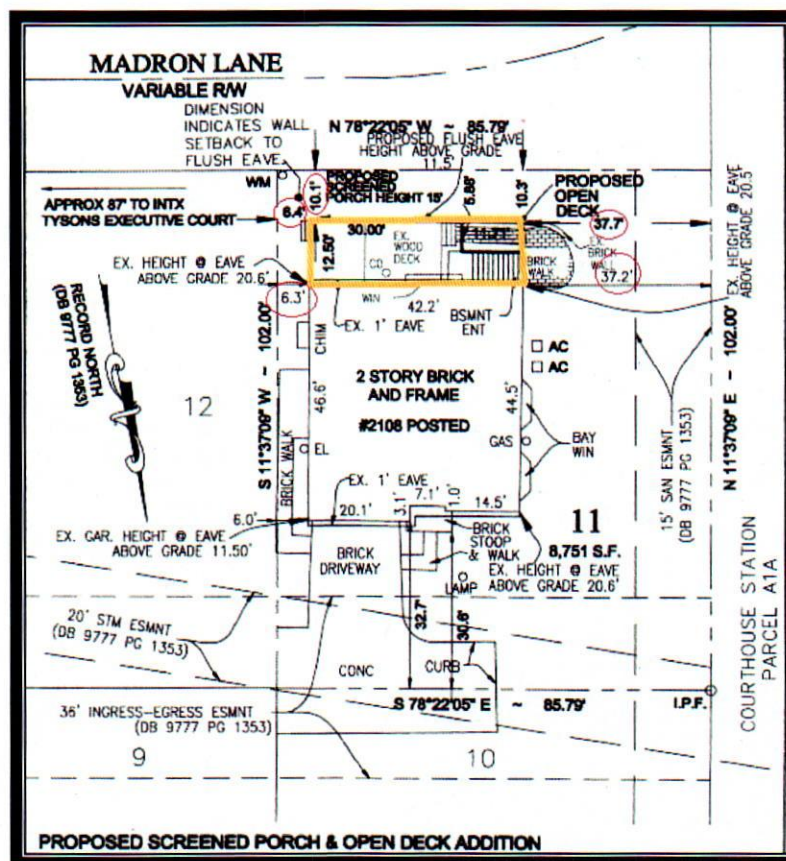
Title of FDP: Proposed Screened Porch & Open Deck Addition
Lot 11 Tysons Executive Village

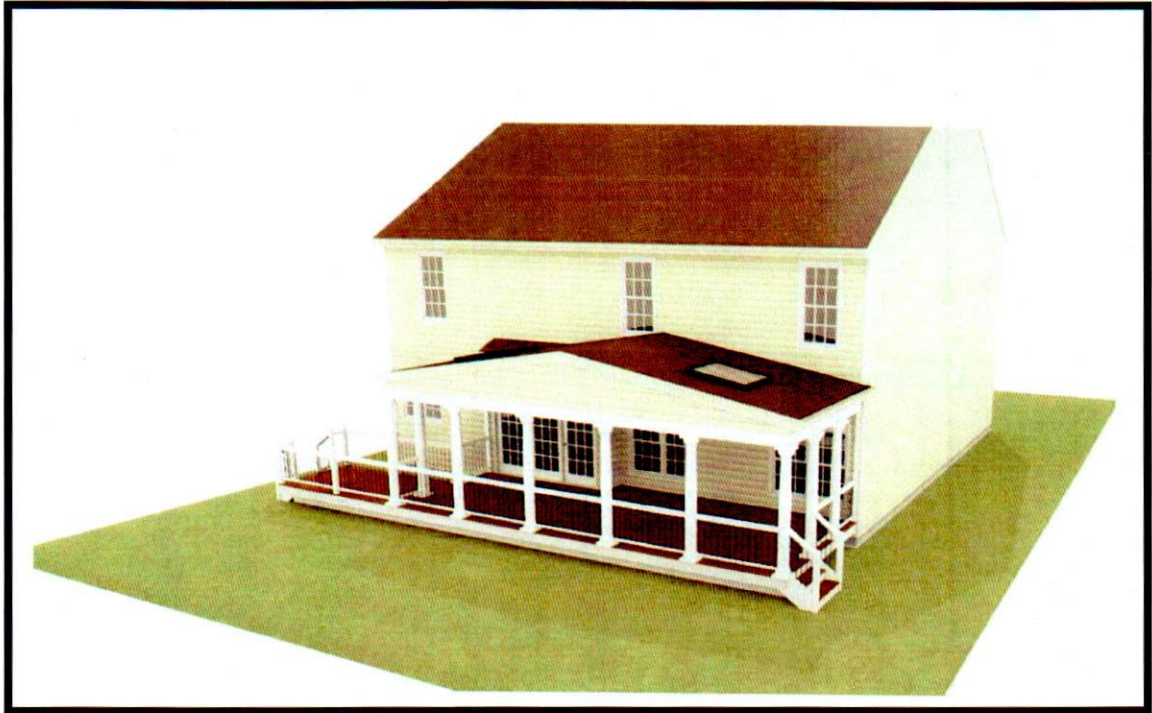
Prepared By: Dickerson Survey and Arborist Services

Original and Revision Dates: October 25, 2011

The FDPA consists of one (1) sheet, and shows the existing house located 30.6 feet from the northern (front) lot line, 6.4 feet, with eave 6.3 feet from the eastern (side) lot line, 37.2 feet from the western (side) lot line, and 22.6 feet, with an existing wood deck 10.3 feet from the southern (front) lot line.

The screened portion of the proposed porch is depicted to be approximately 12.5 feet by 30 feet (375 SF) and the open portion of the porch will be 5.88 feet by 11.71 feet (68.8 SF), both sections with an approximate 15 feet in height. The porch addition will be 10.1 feet from the southern (front) lot line and will not encroach any further into the side yard than the existing house.





Proposed Screened Porch and Open Deck

Land Use Analysis

The subject property is located in the Cedar Community Planning Sector of the Vienna Planning District. The Comprehensive Plan Map recommends residential development at an intensity of 2-3 dwelling units for the area, and the zoned PDH-3 subject to RZ 89-P-042, which was approved by the Board of Supervisors on January 28, 1991. The subject application does not propose any changes to the use and intensity on the subject property.

No yards were proffered with the original rezoning. However, per Sect. 2-412 of the Zoning Ordinance, in a PDH District the minimum required yard is deemed to be one-half of the distance of the yard that has been established by the location of the principal structure on a lot. The applicants submitted a request for a yard determination to the Zoning Administration Division of the Department of Planning and Zoning. The determination was made that since the referenced property abuts a fire truck emergency access easement on one side and an ingress-egress easement on another side, the property is most similar to a lot contiguous to a pipestem driveway serving more than one pipestem lot. Therefore the yards contiguous to both access easements (north and south) are deemed front yards with a minimum setback of 25 feet in accordance with Sec. 2-416 of the Zoning Ordinance.

As a result, the applicant has filed the subject FDPA to modify the yard requirements as shown. The applicant proposes an addition that will be of similar architecture and color to the existing dwelling and will provide an appearance more similar to the front

of a dwelling than the rear. Staff believes the proposed addition will be in harmony with surrounding development, will not adversely impact adjacent properties and the property will continue to be in conformance with the Comprehensive Plan recommendations for the site. Therefore, there are no outstanding land use issues.

Transportation Analysis (Fairfax County Department of Transportation)
Urban Forestry and Stormwater Analysis (Department of Public Works and Environmental Services)

The above noted agencies found no issues with the subject application.

ZONING ORDINANCE PROVISIONS (Appendix 7)

The applicant must comply with the Zoning Ordinance provisions found in Article 6, Planned Development District Regulations; Section 16-101, General Standards; and Section 16-102, Design Standards, among others.

The provisions of Article 6 govern the appropriateness of the "P" District designation for the application property. These provisions were deemed satisfied by the Board with the approval of the rezoning application (RZ 89-P-042) and are unaffected by the current application.

The proposed FDPA affects only the yard requirements for one existing lot; as such, it does not affect the overall use or intensity approved with RZ 89-P-042. The proposed FDPA is not in conflict with the existing proffers or development conditions.

Conformance with Article 16 (Appendix 7)

The general standards for planned developments set forth in Sect. 16-101 were satisfied with the original rezoning of the site to the PDH District; approval of this FDPA request would not affect these standards.

The design standards for planned developments set forth in Sect. 16-102 were satisfied with the original rezoning of the site to the PDH District; approval of this FDPA request would not affect these standards.

The proposed design for the addition will be similar to the existing structure in style and materials. A development condition has been added to address this requirement. The proposed addition is not expected to adversely affect surrounding properties.

The applicant has filed a request that proposes an addition that will be of similar architecture and color to the existing dwelling and staff has proposed a development condition to ensure that. Staff believes the proposed addition will not adversely affect adjacent properties. With the approval of the development condition, this standard will be met.

CONCLUSIONS AND RECOMMENDATIONS

The applicant is requesting approval of an application to construct a screened porch and open deck addition to an existing single previously approved with FDP 89-P-042. The addition would be consistent in color and architectural details with the existing dwelling, as well as other dwellings in the vicinity. Therefore, staff feels that the addition would not adversely impact the surrounding residential area.

Staff Recommendations

Staff recommends that the Planning Commission approve FDPA 89-P-042, subject to the draft development conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Planning Commission, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

The approval of this special exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Planning Commission.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Clerk's Letter and Plat for RZ 89-P-042
5. Comprehensive Plan Text
6. Yard Determination Letter
7. Applicable Zoning Ordinance Provisions
8. Glossary of Terms

DEVELOPMENT CONDITIONS

FDPA 89-P-042

October 25, 2012

If it is the intent of the Planning Commission approved FDPA 89-P-042 to permit an addition to the existing single family detached dwelling located 10.1 feet from the property line at 2108 Tysons Executive Court, Tax Map 39-2 ((48)) 11, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. Any plan submitted shall be in substantial conformance with the FDPA Plat entitled "Proposed Screened Porch & Open Porch, Lot 11, Tysons Executive Village" prepared by Dickerson Survey and Arborist Services, consisting of one sheet dated October 25, 2011, and these conditions. Minor modifications to the approved Final Development Plan may be permitted pursuant to Par. 4 of Sect. 16-403 of the Zoning Ordinance.
2. The proposed addition shall be constructed with architectural details, massing, and building colors and materials in substantial conformance with the exhibit entitled "Proposed Rear Rendering," provided by the applicant and shown on Page 5 of the staff report.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

REZONING AFFIDAVIT

DATE: Sept 15, 2012
(enter date affidavit is notarized)

I, Teresa S. Gendron, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

116652

in Application No.(s): FDPA 89-1-042
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE**,** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Richard G. Gendron	2108 Tysons Executive Court, Dunn Loring, VA 22027	Title Owner
Teresa S. Gendron	2108 Tysons Executive Court Dunn Loring, VA 22027	Title Owner
Decksapces of Virginia LLC	12841 Braemar Village Plaza #59 Bristow, VA 20136	Agent
Joshua P. Desilets	9811 Nina Lane, Midland, VA 22728	Managing Members;
Deborah L. Desilets	14190 Fleetwood Drive, Nokesville, VA 20181	Decksapces of Va LLC; Agents
Gary L. Desilets	14190 Fleetwood Drive, Nokesville, VA 20181	
Theodore E. Vincent	6807 Clifton Grove Ct, Clifton, VA 20112	Agent

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

REZONING AFFIDAVIT

DATE: Sept 15, 2012
 (enter date affidavit is notarized)

116652

for Application No. (s): FDPA 89-P-042
 (enter County-assigned application number(s))

- 1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
 Deckscape of Virginia LLC 12841 Braemar Village Plaza, #59, Bristow, VA 20136

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Gary L. Desilets
 Deborah L. Desilets
 Joshua P. Desilets

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer, etc.**)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

REZONING AFFIDAVIT

DATE: Sept 15, 2012
(enter date affidavit is notarized)

116652

for Application No. (s): FDA 89-P-042
(enter County-assigned application number(s))1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)

N/A

(check if applicable) ☐ The above-listed partnership has no limited partners.**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

N/A

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

REZONING AFFIDAVIT

DATE: Sept 15, 2012
(enter date affidavit is notarized)

116652

for Application No. (s): FAPA 89-P-042
(enter County-assigned application number(s))1(d). One of the following boxes must be checked:

- ☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

None

- ☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

- (check if applicable) ☒ There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: Sept 15, 2012
(enter date affidavit is notarized)

116652

for Application No. (s): FDPA 8A-P-042
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

Teresa S. Gendron

(check one)

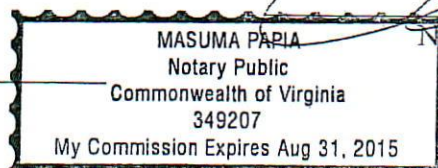
☒ Applicant☐ Applicant's Authorized Agent

Teresa S. Gendron

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 15th day of September 20 12, in the State/Comm. of Fairfax County/City of Fairfax.

My commission expires: _____





12841 Braemar Village Plaza, Bristow, VA 20136 Phone: 703-365-0747/Fax 703-594-2892
Email: ted@Deckscapeofva.com; VA License # 2705091460A

April 4, 2012

County of Fairfax
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center PKWY
Suite 801
Fairfax, VA 22035

RECEIVED
Department of Planning & Zoning
APR 09 2012
Zoning Evaluation Division

Re: Amend Existing Property Zoning
Tyson's Executive Village, Lot 11
2108 Tysons Executive Court
Tax Map Ref: 39-2 ((48)) 11

To whom it may concern:

I am submitting an application for rezoning to amend the current setback for the referenced property.

I am seeking to amend the current minimum yard requirements zoning for my clients to allow them to build a new screened porch on the rear of their home. The existing home is located within the existing R-4 minimum yard requirements therefore the proposed screened porch would encroach into the existing setback.

It is a reasonable expectation to have the ability to improve and add to the usable outdoor space of one's single family dwelling with a moderately sized cover screened porch and my clients would request that the Board of Supervisors amend the minimum yard requirements zoning for the referenced single family home to allow this necessary protected outdoor living area.

The screened porch is proposed to be 30 feet wide and is to extend out 12.5 feet from the rear of the existing home. The proposed porch would not extend outside of the existing homes foot print but would be 10.1 feet from the rear property line. I have included with the submittal package a certified plat with the proposed porch as well as the floor plan, 3D rendering/porch and home elevations, and numerous pictures showing the proposed area for the porch from multiple angles.

We are submitting the application package to have the Board of Supervisors amend the final development plan for a reduction in the affected property's minimum yard requirement. We trust that this information included is adequate for the board to grant this request and will provide any further submittal material necessary to secure this ruling

Sincerely,

Ted Vincent
Deckscape of Virginia LLC
Owners Agent

REZONING APPLICATION

APPENDIX 4

RZ 89-P-042

RZ 89-P-042

FILED 04/07/89

FDP 89-P-042

FILED 05/16/89

BRAR ASSOCIATES - TYOSNS LTD. PTSP.

TO REZONE: 11.45 ACRES OF LAND; DISTRICT - PROVIDENCE

PROPOSED: RESIDENTIAL - 3 D.U. PER ACRE

LOCATED: W. SIDE SANDBURG ST. APPROX. 500 FT. N.
OF ITS INTERSECTION WITH OAK
ST.

ZONING: R-1

TO: PDH-3

OVERLAY DISTRICT(S):

MAP REF

039-2- /01/ /0043- ,0045-A
039-4- /01/ /0085- ,0086-





COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030



February 14, 1991

Robert A. Lawrence, Esquire
Hazel, Thomas, Fiske, Weiner,
Beckhorn and Hanes, P.C.
3110 Fairview Park Drive - Suite 1400
Post Office Box 12001
Falls Church, Virginia 22042-4505

Re: Rezoning Application
Number RZ 89-P-042

Dear Mr. Lawrence:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on January 28, 1991, granting, as proffered, Rezoning Application RZ 89-P-042 in the name of Brar Associates - Tysons Limited Partnership, to rezone certain property in the Providence District from the R-1 District to the PDH-3 District, subject to the revised proffers dated January 22, 1991, on subject parcels 39-2 ((1)) 43A; 39-4 ((1)) 85 and 86 consisting of approximately 11.45 acres.

The Board also:

- Waived the transitional screening and barrier requirements in favor of the barriers and landscape planting shown on the Final Development Plan;
- Waived the maximum length requirement for private streets in favor of the dimensions shown on the Final Development Plan and the submitted proffers; and
- Deviated the minimum setback requirement for residential buildings from interstate highways, as shown on the Final Development Plan and subject to the submitted proffers.

February 14, 1991

-2-

The Final Development Plan FDP 89-P-042, as amended, was also approved, subject to the Board's approval of Rezoning Application RZ 89-P-042. The Planning Commission previously approved the Final Development Plan on November 15, 1990.

Sincerely,



Nancy Vehrs

Clerk to the Board of Supervisors

NV/ns

cc: Dena M. Siri, Real Estate Dvsn., Assessments
Melinda M. Artman, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Dvsn., OCP
Fred R. Beales, Supervisor, Base Prop. Mapping/Overlay
Robert Moore, Trnsprt'n. Planning Dvsn., Office of Transportation
Kathy Ichter, Trnsprt'n. Road Bond Dvsn., Office of Transportation
Department of Environmental Management
A. V. Bailey, Resident Engineer, VDOT
Land Acq. & Planning Dvsn., Park Authority

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

JAN 23 1991

ZONING EVALUATION DIVISION

Brar Associates
Tysons Limited Partnership
RZ 89-P-042
January 22, 1991

PROFFERS

Pursuant to Section 15.1-491(a) of the 1950 Code of Virginia, as amended, the undersigned proffers the following conditions provided the Board of Supervisors rezones the subject property to the PDH-3 District and approves the Conceptual Development Plan (CDP) prepared by Stanmyre and Noel dated December 20, 1989, and the Planning Commission approves the Final Development Plan (FDP) prepared by Stanmyre and Noel dated June 27, 1990 as revised through November 26, 1990. For the purposes of these proffers, the term "Developer" shall mean the applicant or his successor or assigns.

1. Development of the subject property shall be in accordance with the Conceptual Development Plan (CDP) referenced above.
2. Subject to the provisions of Section 16-402 of the Fairfax County Zoning Ordinance, development shall be in accordance with the Final Development Plan (FDP) prepared by Stanmyre and Noel revised through November 26, 1990.
3. Landscaping shall be in accordance with the FDP Landscape Plan, subject to minor changes and revisions with prior County Arborist approval. Open space areas in the vicinity of the storm water management pond area

shall be landscaped with vegetation compatible and indigenous to that area to provide replacement of vegetation removed for the construction of the pond and other facilities, as determined by the County Arborist.

4. The Developer shall implement the limits of clearing and grading on the site as shown on the FDP and the Landscape Plan. Variations may be permitted for the location of utilities, where necessary, as determined by DEM and subject to County Arborist approval. Any such variation will be designed to ensure that clearing and grading impacts are minimized. The location of utilities, if necessary, will generally be perpendicular to areas designed to remain undisturbed. Replacement plantings will be provided for any additional clearing areas, as determined by the County Arborist.
5. Tree preservation - At the time of grading plan review, the Developer shall submit to the County Arborist a survey of all trees of at least 12 inches in diameter, or greater, located within the limits of clearing and grading shown on the FDP, and depict them on a Tree Preservation Plan with drip lines; the Developer shall also designate limits of clearing and grading, in

addition to those shown on the FDP, to protect individual trees which can be saved without precluding construction of a typical home. Final limits of clearing and grading shall be subject to County Arborist approval. The Developer will remove any dead or dying trees if requested by the County Arborist. Existing "individual trees" within the limits of clearing and grading, designated for protection as set forth above, shall be marked for preservation prior to clearing and grading and at all times during construction. The drip lines of such trees and the limits of clearing and grading shall be marked on the ground with filter fabric or equivalent demarcation prior to clearing and grading and at all times during construction. Applicant shall replace any tree designated for preservation that is damaged or destroyed during construction activity, with a tree of comparable species as determined by the County Arborist.

6. The Developer shall provide a storm water detention pond as shown on the FDP. The areas of the pond subject to inundation shall be lined with clay or benenite subject to geotechnical approval by DEM. The remaining stream channel, on site, shall be stabilized as determined by OCP and DEM.

Section 6-0802 of the PFM calls for utilization of Soils Conservation Service (SCS) methods in the design and construction of on-site storm water detention that satisfy both the 2 and 10 year frequency, 24 hour duration storm event. These parameters will be utilized for the on-site detention pond. The storm water management pond will be designed to reduce peak flows to less than predevelopment levels. In the event that the Developer elects to construct a wet pond, provision will be made for maintenance by the homeowners association established to maintain the common areas.

7. Along the Sandburg Street frontage of the subject property, the Developer shall dedicate for public road purposes twenty-six (26) feet from centerline, and construct road widening, to a 38 foot wide roadway face of curb to face of curb. The Developer shall dedicate said right of way in fee simple to the Board of Supervisors upon demand by Fairfax County.
8. The Developer will install curb and gutter along the south side of Oak Street where no curb and gutter presently exists between Shawn Court and Sandburg Street.

9. In addition to constructing the frontage improvements on Sandburg Street and along the south side of Oak Street, as proffered above, upon final subdivision plan approval, the Developer will contribute, prior to subdivision plan approval, EIGHTEEN HUNDRED DOLLARS (\$1800.00) per approved dwelling unit to the County for improvements to Oak Street (Rt. 769) between Gallows Road and Madison Lane. Using the approval date of the rezoning application as the base date, this contribution will be adjusted according to the Construction Cost Index as published in the Engineering-News Record by McGraw Hill.

10. With reference to I-495, the Developer shall provide the following noise attenuation measures:

a. In order to achieve a maximum interior noise level of 45 dBA Ldn, Developer proffers that all residential units, impacted by highway noise having levels between 65 and 70 dBA Ldn, as specified in the Polysonics Report No. 2994, shall have the following acoustical attributes:

(1) Exterior walls will be constructed of materials and techniques known to have physical properties or characteristics suitable to achieve a laboratory sound transmission class (STC) of at least 39.

- (2) Doors and windows will be constructed of materials known to have a laboratory sound transmission class (STC) of at least 35. If windows constitute more than 20% of any facade, they shall have the same laboratory STC rating as walls. All units designed to have skylight windows, shall utilize 5/8 inch insulated laminated glazing with a storm protection system estimated to have a laboratory sound transmission class (STC) of at least 35.
- (3) Adequate measures to seal and caulk between surfaces will be provided.

b. In order to achieve a maximum interior noise level of 45 dBA Ldn, Developer proffers that all residential units impacted by highway noise having levels between 70 and 75 dBA Ldn, as specified in the Polysonics Report No. 2994, shall have the following acoustical attributes:

- (1) Exterior walls will be constructed of materials and techniques known to have physical properties or characteristics suitable to achieve a laboratory sound transmission class (STC) of at least 45.
- (2) Doors and windows will be constructed of materials known to have a laboratory sound

transmission class (STC) of at least 39. If windows constitute more than 20% of any facade, they shall have the same laboratory STC rating as walls. All units designed to have skylight windows, shall utilize 5/8 inch insulated laminated glazing with a storm protection system estimated to have a laboratory sound transmission class (STC) of at least 35.

(3) Adequate measures to seal and caulk between surfaces will be provided.

c. In order to mitigate exterior noise levels within the subject property, the developer shall provide a noise attenuation wall in the location shown on the FDP. This wall shall be constructed prior to the issuance of residential use permits for any dwellings on the subject property. The wall shall be architecturally solid or aggregate concrete, or steel with no gaps, and shall have a minimum face weight of 3 pounds per square foot. The elevations of the barriers shall be constructed in accordance with elevations depicted in Figure 2 of the Report #2994 by Polysonics, Inc. dated December 19, 1989 (attached). An Acoustical engineer licensed in the State of Virginia shall certify the integrity of the barrier design.

Prior to installation of the noise attenuation wall, the Developer shall meet with the County Arborist on-site to determine a construction program that will minimize disruption of existing vegetation and provide for replacement of trees damaged or destroyed by construction operations. As a part of the proposed construction program, the Developer shall seek temporary construction easement rights from VDOT so as to further minimize disruption of vegetation in this area by conducting construction operations, to the maximum extent feasible, on the VDOT property adjacent to the wall. In any event, the construction program shall be reduced to writing and approved by the County Arborist. During construction, the Developer shall adhere to the program approved by the County Arborist.

- d. To prevent excessive noise impacts from affecting exterior use, additional features such as decks, porches, balconies or any other exterior design features intended for outdoor use shall be limited to first floor levels, excluding basements, for units 26, 27, 30, 31, 34, 2, 3, 5, 6, and 7. Further, yards for units 2, 3, 5, 6 and 7 shall be completely enclosed with a six foot high board on board solid wooden fence or an architecturally

treated wall that is acoustically functional. The limitation and requirements of this paragraph "d" shall not be applicable to other units on site, as long as the acoustical study recommendations meet County standards, as determined by DEM.

e. As an alternative to "a" or "b" above, the Developer may elect to have a refined acoustical analysis performed, subject to approval of OCP and DEM, to determine which units/buildings may have sufficient shielding to permit a reduction in the mitigation measures prescribed above.

11. If required by DEM, Developer shall submit a geotechnical study for approval by DEM and shall adhere to DEM's recommendations pursuant to said study.
12. The Developer shall ensure that well yields on neighboring properties are not negatively impacted by the development of the subject property. The Developer will, at its sole expense, make well inspections prior to development of the property, during construction and after completion of construction, and shall make results available to the adjacent land owners and the county Health Department. Inspection shall be made with the permission of the respective property owners, only. In the event that the County Health Department

determines that off-site domestic wells fail or are unusable due to decrease of infiltration or contamination related to the development of the Developer property, the Developer shall take corrective action to resolve the off-site well problem, including repair of the affected well(s), redrilling of affected well(s), connection to a public water supply or other such remedy that is appropriate to the character and extent of the well failure(s). The Developer shall determine the most appropriate remedy of corrective action, subject to approval by the County Health Department.

13. The Environmental Health Division of the Health Department shall be notified prior to the abandonment or closure of any well on the subject property.
14. The Developers shall provide recreational facilities as shown on the Final Development Plan. In the event that the expenditures for these facilities is not equivalent to a minimum expenditure of \$300.00 per dwelling unit, the Developer shall provide the cash differential to Fairfax County Pursuant to Section 6-110, paragraph 2, of the Fairfax County Zoning Ordinance.

15. The Developer shall provide an exertrail with exercise stations as generally located on the FDP. Recreational facilities on the subject property shall be transferred to the future homeowners association which will be charged with the management of the common areas.
16. To meet energy conservation concerns, the Developer will meet the "basic requirements" required by one of the approved energy efficiency programs recognized by the Federal Home Loan Mortgage Corporation (Freddie Mac). These approved programs are:
 - a. National Association of Home Builders Thermal Performance Guidelines.
 - b. Virginia Home Builders - E-7 Program.
 - c. Owings Corning Fiberglass Energy Performance Design System.
 - d. Vepco Energy Saver Program.
17. Due to the presence of highly erodible soils, during the construction process, sediment basins and redundant erosion and sedimentation controls shall be provided as determined by DEM in order to minimize erosion and sedimentation.
18. Any portions of the property containing fill material, shall have engineering inspections, certifications and

designs to ensure adequate building support as determined by DEM.

19. All driveways on garage units shall be a minimum of 20 feet as measured from the front of the garage structure to the edge of the sidewalk or curb.
20. A covenant shall be recorded which provides that garages will only be used for a purpose that will not interfere with the intended purposes of garages (e.g. parking of vehicles). This covenant shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the homeowners association, which shall be established, and the Fairfax County Board of Supervisors. Prospective purchasers shall be advised of the use restriction prior to entering into a contract of sale.
21. If required by DEM, a drainage study shall be provided to demonstrate to the satisfaction of DEM that on-site stormwater detention will be adequate and will prevent flooding downstream from the site.
22. All private streets will be designed and constructed to exceed the minimum pavement depth standards required by

the Public Facilities Manual for streets to be maintained by a homeowners association.

23. The Developer shall construct a six foot high acoustically functional solid wood fence along the northern boundary of the subject property as referenced in Note 19 of the FDP. This fence will be located so as to avoid disturbing existing trees. Location adjustments for this fence will be made on site in consultation with and subject to the approval of the County Arborist. This fence shall be constructed prior to any clearing or grading in other areas of the site.
24. The Developer shall contribute the sum of \$17,000.00 to Fairfax County's low and/or moderate housing program. Said sum shall be paid at the rate of \$500.00 per dwelling unit and shall be paid at the time of issuance of each building permit.

BRAR ASSOCIATES -
TYSONS LIMITED PARTNERSHIP

By: Balbir S. Brar
Balbir S. Brar
General Partner

V2 CEDAR COMMUNITY PLANNING SECTOR

CHARACTER

The Cedar Community Planning Sector is located east of the Town of Vienna, bounded to the north by Electric Avenue, Cedar Lane, and Gallows Road. The Capital Beltway (I-495) and I-66 border the sector to the east and south.

The majority of the Cedar Planning Sector is developed with single-family residential uses. There is a concentration of commercial and office uses between Cedar Lane, Gallows Road and Electric Avenue. Most of the uncommitted vacant land in this sector exists in smaller parcels north of the W&OD Railroad Regional Park between Gallows Road and the Capital Beltway. This vacant land is intermixed with single-family residential uses which are developed in varying lot sizes.

The adjacent areas located in the Town of Vienna are primarily single-family residential uses with the exception of Cedar Park Shopping Center and the adjoining garden apartments on Cedar Lane.

The area east of Gallows Road has produced potentially significant archaeological sites and contains some older and potentially significant buildings. The Dunn Loring School is located in the northwest corner of the Gallows Road-Idylwood Road intersection, Tax Map 39-4 ((1))24. Both Tudor Hall and the Camp Alger Headquarters, privately owned residences, are located in this sector. These residences are listed in the Fairfax County Inventory of Historic Sites. A list and map of heritage resources are included in the Vienna Planning District Overview section, Figures 4 and 5. Additional historic sites in this sector are also included in the inventory.

CONCEPT FOR FUTURE DEVELOPMENT

The Concept for Future Development recommends the areas of Cedar Community Planning Sector develop as Suburban Neighborhoods.

RECOMMENDATIONS

Land Use

The Cedar sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-designed, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.

Figure 21 indicates the geographic location of land use recommendations for this sector. Where recommendations are not shown on the General Locator Map, it is so noted.

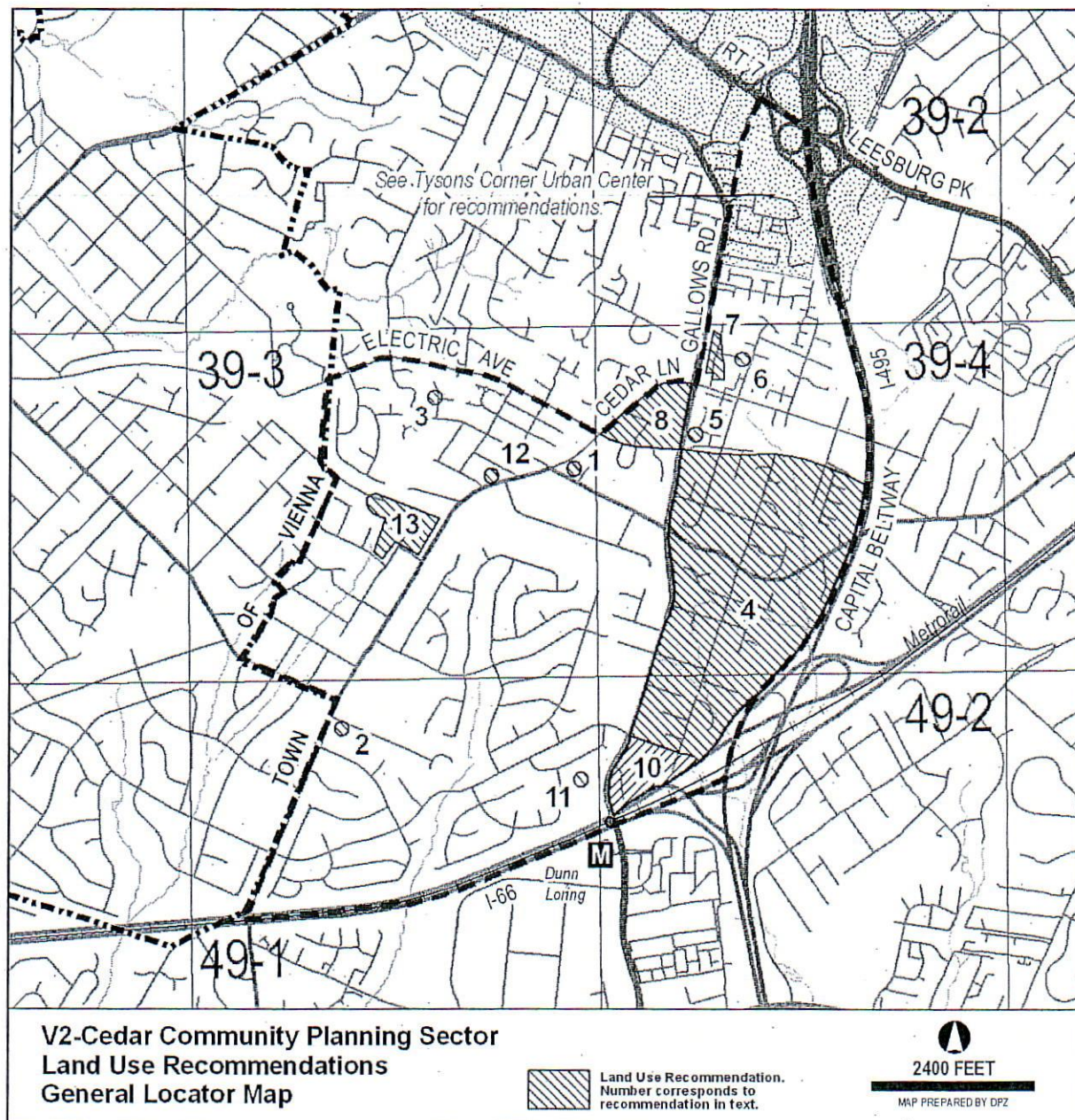


FIGURE 21

1. Residential infill is appropriate in the area bounded by Cedar Lane, Gallows Road, Idylwood Road and Electric Avenue at 4-5 dwelling units per acre. This area should be buffered from existing commercial uses.
2. Parcels fronting on both sides of Amanda Place are planned for 3-4 dwelling units per acre. As an option, if an acceptable redevelopment plan is submitted that fully consolidates all of the parcels along Amanda Place, consideration may be given for a residential density range of 5-8 dwelling units per acre.

As an option, single-family detached housing at 4-6 dwelling units per acre may be appropriate on Tax Map Parcels 49-1((1))32, 32A, 33, 34, 39, 40, 40A, 40B and 41 to foster coordinated development of this land if the following conditions are met:

- Development should have substantial and logical consolidation, with any unconsolidated parcels able to integrate into any previous consolidation and develop in a similar manner;
 - Development above 5 dwelling units per acres should only occur if full consolidation is achieved; and
 - Internal open space should maximize opportunities to save mature trees on site.
3. A single-family detached residential density of 2-3 dwelling units per acre is planned for the area bounded by Electric Avenue to the north, Williams Avenue to the east, Idylwood Road to the south and the Tysons Woods subdivision to the west. As an option, single-family detached residential uses at 3-4 dwelling units per acre may be appropriate if substantial land consolidation of small lots to a minimum consolidated size of eight acres is achieved and an efficient internal vehicular circulation system is provided.
 4. The portion of the sector south of Railroad Street, north of Cottage Street, west of I-495 and east of Gallows Road is planned for residential use at 3-4 dwelling units per acre. Development above the low end of the Plan density range should meet the following conditions:
 - Provision of a substantial landscaped screen to ensure the elimination of any adverse visual impact upon nearby residentially planned areas from Gallows Road and the commercially-zoned parcel in the southeast quadrant of Gallows Road and Railroad Street;
 - Substantial consolidation of adjacent parcels to ensure coordinated development; and
 - Provision of coordinated vehicular access so as not to exacerbate traffic flow along Gallows Road. See Figure 23 for Transportation access recommendations.
 5. In view of their proximity to Gallows Road and planned commercial activity, Parcels 39-4((1))73 and 74; 39-4((38)) and 39-4((11))2, 3 and A, located between Gallows Road and Arden Street, north of Railroad Street, and south of the intersection of Gallows Road and Wolftrap Road, are planned for residential development at 4-5 dwelling units per acre. Development above the low end of the Plan density range should meet the following conditions:

- Provision of a substantial landscaped open space buffer and permanent screen along the western and southern edge of the property adjacent to Gallows Road and commercial uses, and along the northern and eastern periphery adjacent to existing or planned detached single-family residential use to ensure compatible development and eliminate any potentially adverse impacts;
 - Substantial consolidation of adjacent parcels to ensure coordinated development, the preservation of environmental amenities such as mature hardwoods, EQCs and the siting of residential buildings towards the interior of the property to minimize any disruptive effect on adjacent existing and planned detached single-family houses; and
 - Provision of coordinated vehicular access so as not to exacerbate traffic flow along Gallows Road. See Figure 23 for access recommendations.
6. The area along the east side of Gallows Road, between the Courts of Tysons Townhouse development on the north, Oak Street on the south and I-495 on the east, is planned for 2-3 dwelling units per acre as shown on the Plan Map. Any application for development above 2 dwelling units per acre, should comply with the following criteria:
- Preserve and incorporate any historic landmarks, structures, and other major elements associated with the historic Dunn Loring community, and the character of the community in the development scheme where appropriate;
 - Provide a landscape plan, including the limits of clearing for approval by the County Arborist showing maximum retention of existing stands of hardwoods and large individual specimen trees, both along the perimeter of the site and at the interior of the site; and
 - Conform with the appropriate transportation recommendations as shown on 22.
7. Parcels 39-2((1))39, 40 and 39-4((1))73, 74, 75, 76, 76A, 79 and 79A fronting on the east side of Gallows Road are planned for residential use at 2-3 and 4-5 dwelling units per acre as shown on the Plan map. As an option, residential development at 4-5 dwelling units for the entire area may be appropriate if the following conditions are met:
- Full consolidation of all Parcels 39-2((1))39, 40 and 39-4((1))75, 76, 76A, 79, 79A is achieved to ensure homogenous development;
 - A single access point between the site and Gallows Road is provided opposite Wolftrap Road (Parcels 73-75). (See Figure 23 for access recommendations.);
 - Buffering and screening along Gallows Road is provided;
 - Any historic landmarks, structures, and other major elements associated with the historic Dunn Loring community, and its character are preserved and incorporated in the development scheme where appropriate;
 - A landscape plan, including the limits of clearing is submitted for approval by the County Arborist showing maximum retention of existing stands of hardwoods and large individual specimen trees, both along the perimeter of the site and in the interior of the site; and

- Provision of an undisturbed buffer of at least 40 feet between the new development on this site and the Tysons Grove and Harrison Grove communities. Where there are not sufficient plantings to provide an effective buffer, new plantings should be provided as necessary.
8. To prevent strip commercial uses and to promote clustering of neighborhood commercial facilities, any additional neighborhood commercial uses in this sector should be confined to the triangular area bounded by Cedar Lane, Gallows Road and Electric Avenue. No additional land should be planned for commercial uses in this sector.
 9. Commercial development in the Cedar Lane/Park Street area should be limited to those areas designated for commercial use on the Plan map. [Not shown]
 10. The area south of Cottage Street, east of Gallows Road, and west of I-495 is planned for residential use at 3-4 dwelling units per acre provided the following conditions are met:
 - Substantial and logical consolidation is achieved. At a minimum, the consolidation should include the area bounded by I-66, Sandburg and Cottage Streets, Gallows Road and Stenhouse Place. Any proposed consolidation must show how any unconsolidated properties can be developed at a similar density and character;
 - In order to help enhance compatibility with existing and planned uses on adjacent areas, density inclusive of ADUs and bonus units, should not occur above 3.5 du/ac;
 - New development should address the need for convenient pedestrian access to the Dunn Loring Metro Station. Measures should include establishing walkways and other development practices that will encourage the use of the mass transit facility;
 - Buffering and screening should be provided to mitigate visual impacts associated with I-66, I-495 and Gallows Road;
 - The new development should consist of single family detached residential units exclusively, should create a quality living environment for its residents and should provide usable open space;
 - Noise barriers should be provided on the north side of I-66 and the west side of I-495. Additional noise attenuation measures should be provided as determined appropriate by the County.
 - Existing mature trees should be retained to the greatest extent possible;
 - At the edges of the development, in areas where the assembled property abuts existing development planned and/or zoned for lower density, the new development should be designed with units having a general orientation, location, building materials, and spacing that is compatible with the established development pattern.
 11. Both the Stenwood School and those residential areas immediately north of the Dunn Loring Transit Station Area should be protected and buffered from possible adverse impacts. These areas should also have adequate pedestrian linkages to the station. Noise

barriers should be provided on the north side of I-66 and the west side of I-495, starting at the western edge of the Stenwood School property and continuing east and north.

12. Tax Map 39-3((10))18 is planned for residential use at 2-3 du/ac. As an option, this parcel may be considered for a residential density slightly above 3 du/ac provided that the subdivision results in parcels of a similar size, and in residential development similar in character and orientation, as the immediately abutting parcels to the west.
13. Residential development of the properties comprised Tax Map parcels 39-3((38))A, 11; 39-3((1))15, 16, 17, 18, 18A, 18B, 18C, 18D, 18E, 32, 33A, 33B, 33C should be limited to residential uses at densities of 1-2 dwelling units per acre. In any development of these parcels, a substantial vegetative buffer should be provided along the common border of adjoining parcels and the Northern Virginia Regional Park bike trail (W&OD trail); the buffer should preserve natural vegetation and be supplemented with additional plantings to provide effective screening; it should provide for a connection to the trail; the environmentally sensitive area along the day-lighted portion of the stream bed should be respected and preserved in the southern portion of the site; healthy existing mature trees should be preserved to the maximum practicable extent including the day-lighted portion of the stream bed located in the southern portion of the site; there should be no direct road connection to Augustus Court.

Transportation

Transportation recommendations for this sector are shown on Figures 22 and 23. In some instances, site-specific transportation recommendations are included in the land use recommendations section. The figures show access orientation, circulation plans, interchange impact areas and generalized locations of proposed transit facilities. The recommendations contained in the Area Plan text and maps, the Policy Plan and Transportation Plan map, policies and requirements in the Public Facilities Manual, the Zoning Ordinance, and other standards will be utilized in the evaluation of development proposals.

Heritage Resources

Significant heritage resources may be located in open spaces, in low density residential areas and in mid 20th century neighborhoods of this planning sector. Any development or ground disturbance in this sector, both on private and public land, should be preceded by heritage resource studies, and alternatives should be explored for the avoidance, preservation or recovery of significant heritage resources that are found. In those areas where significant heritage resources have been recorded, an effort should be made to preserve them. If preservation is not feasible, then, in accordance with countywide objectives and policies as cited in the Heritage Resources section of the Policy Plan, the threatened resource should be thoroughly recorded and in the case of archaeological resources, the artifacts recovered.

Parks and Recreation

Park and recreation recommendations for this sector are shown on Figure 24. The column "Park Classification" includes existing park facilities. The "Recommendations" column includes entries for both existing and proposed facilities. Prior to developing parkland, the Fairfax



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

February 14, 2012

Mr. Ted Vincent
6807 Clifton Grove Court
Clifton, Virginia 20124

Re: Yard Determination
Tysons Executive Village, Lot 11
2108 Tyson Executive Court
Tax Map Ref: 39-2 ((48)) 11
Zoning District: PDH-3

Dear Mr. Vincent:

This is in response to your letter received on January 24, 2012 requesting a yard determination for the referenced property. According to your letter and the enclosed plat, you are proposing a 12.5 feet by 30 feet screened porch addition and a 5.88 feet by 11.71 feet open deck. You have stated in your letter that you were informed the yard, adjacent to Madron Lane, is a rear yard, and you are asking for written confirmation.

The referenced property is zoned PDH-3 Planned Development Housing District, Three Dwelling Units per Acre, and is subject to proffer conditions associated to Rezoning Application RZ 89-P-042, which was approved by the Board of Supervisors on January 28, 1991. No yards were proffered as part of the rezoning. The property is 8,751 square feet in size and currently contains a single family detached dwelling and a wood deck. The referenced property abuts a fire truck emergency access easement on one side and an ingress-egress easement on another side.

Pursuant to Par. 6 of Sect. 16-403 of the Zoning Ordinance and the approved rezoning, any alteration to the single family dwelling unit at the referenced property is subject to the R-4 minimum yard requirements. However, since the referenced property is most similar to a lot contiguous to a pipestem driveway serving more than one pipestem lot, the yards contiguous to both access easements are deemed front yards with a minimum of twenty-five (25) feet in accordance with Sect. 2-416 of the Zoning Ordinance. The required twenty-five (25) feet shall be measured from the lot line formed by the front property line or the edge of pavement, whichever is the greater distance. Other yards are considered side yards. Any proposed addition in the side yard must be a minimum of 10 feet from the side lot line. To construct the proposed screened porch and deck, a conceptual and/or final development plan amendment for a reduction in certain yards on a single family dwelling lot is required. For more information on conceptual and/or final development plan amendment, please contact the Zoning Evaluation Division at 703-324-1290.

Department of Planning and Zoning
Zoning Administration Division
Ordinance Administration Branch
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505
Phone 703-324-1314 FAX 703-803-6372
www.fairfaxcounty.gov/dpz/

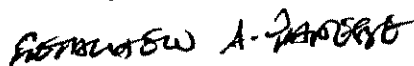


2108 Tyson Executive Court
February 14, 2012
Page 2

This determination is based upon the facts presented in your request letter and the applicable Fairfax County Zoning Ordinance provisions in effect as of the date of this letter. If the facts as presented change or if the applicable provisions of the Zoning Ordinance change subsequent to the issuance of this determination, the determination may be subject to modification.

I trust that this letter adequately responds to your request. Should you have any additional questions, please feel free to contact me at 703-324-1314.

Sincerely,



Getachew A. Tadesse
Assistant to the Zoning Administrator

cc: Linda Q. Smyth, Supervisor, Providence District
Eileen M. McLane, Zoning Administrator
Barbara C. Berlin, Director, Zoning Evaluation Division
Michelle M. O'Hare, Deputy Zoning Administrator, Ordinance Administration Branch
Diane E. Johnson-Quinn, Deputy Zoning Administrator, Zoning Permit Review Branch

PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS

16-101 General Standards

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.
2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.
3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.
5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.
6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

16-102 Design Standards

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:

1. In order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.

2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.

3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of-way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		